

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Simonton Place (3667) Swale Easement Vacate

DEPARTMENT: Planning and Development **DIVISION:** Development Review

AUTHORIZED BY: Dori DeBord

CONTACT: Brian M. Walker

EXT: 7337

MOTION/RECOMMENDATION:

1. ADOPT and authorize the Chairman to execute the Resolution to vacate and abandon a portion of a 10.00 by 93.7 foot long swale easement for Lot 28 of the plat Banyan Pointe as recorded in Plat Book 72, Page 62 – 64 of the public records of Seminole County, Florida in Section 17, Township 20 S, and Range 30 E and further described as 3667 Simonton Place – Geoffrey and Stacy Summit, applicant.

2. DENY the request to vacate and abandon a portion of a 10.00 by 93.7 foot long swale easement for Lot 28 of the plat Banyan Pointe as recorded in Plat Book 72, Page 62 – 64 of the public records of Seminole County, Florida in Section 17, Township 20 S, and Range 30 E and further described as 3667 Simonton Place – Geoffrey and Stacy Summit, applicant.

3. CONTINUE the public hearing until a time and date certain.

District 4 Carlton D. Henley

Brian M. Walker

BACKGROUND:

Geoffrey and Stacy Summit, the applicant, is requesting to vacate and abandon a 5 X 82 foot portion more or less of a swale easement that runs along the back portion of the property. The proposed vacate is needed in order to accommodate a pool deck.

Staff has reviewed the request and agrees that the vacated portion will not have any negative effects on the area. The Banyan Pointe Homeowner’s Association has provided a letter stating no objection to the request.

STAFF RECOMMENDATION:

Staff recommends that the Board adopt and authorize the Chairman to execute a resolution to vacate and abandon a portion of a 10.00 by 93.7 foot long swale easement for Lot 28 of the plat Banyan Pointe as recorded in Plat Book 72, Page 62 – 64 of the public records of Seminole County, Florida and further described as 3667 Simonton Place.

ATTACHMENTS:

1. Vacate Resolution
2. Exhibit A - Sketch & Description
3. Area Map
4. Location Map
5. Aerial Map

Additionally Reviewed By:

County Attorney Review (Kathleen Furey-Tran)

RESOLUTION NO.: 2009-R-

THE FOLLOWING RESOLUTION WAS ADOPTED AT THE REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA ON THE 11th DAY OF August A.D., 2009.

RESOLUTION TO VACATE AND ABANDON A SWALE EASEMENT

.....

Whereas, a Petition was presented on behalf of
GEOFFREY & STACY SUMMITT

to the Board of County Commissioners of Seminole County, Florida, requesting the closing, vacating and abandoning of the following described swale easement to-wit:

See Exhibit A

Whereas, after due consideration the Board of County Commissioners of Seminole County, Florida, has determined that the abandonment of the above described swale easement is in the best interest of the County and the public.

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners of Seminole County, Florida, that the above described swale easement be, and the same is hereby abandoned, closed and vacated, and that all right in and to the same on behalf of the County and the public is hereby disclaimed.

PASSED AND ADOPTED this 11th day of August A.D., 2009

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
OF SEMINOLE COUNTY, FLORIDA**

MARYANNE MORSE
CLERK OF THE CIRCUIT COURT
SEMINOLE COUNTY, FLORIDA

BY: _____
BOB DALLARI
CHAIRMAN

SKETCH & DESCRIPTION

LOT 28 - BANYAN POINTE

EASEMENT VACATION

LAND DESCRIPTION

A PORTION OF THE EXISTING 10.00 FOOT WIDE SWALE EASEMENT FOR LOT 28 OF THE PLAT "BANYAN POINTE", AS RECORDED IN PLAT BOOK 72, PAGES 62-64 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID LOT 28; THENCE NORTH 13°25'12" EAST ALONG THE EASTERLY LINE OF SAID LOT 28, A DISTANCE OF 5.02 FEET TO A POINT ON THE NORTHERLY LINE OF AN EXISTING 5.00 FOOT WIDE DRAINAGE EASEMENT AS SHOWN ON SAID PLAT; THENCE NORTH 81°01'17" WEST ALONG SAID NORTHERLY LINE, A DISTANCE OF 5.02 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 81°01'17" WEST ALONG SAID NORTHERLY LINE, A DISTANCE OF 5.02 FEET TO A POINT ON THE WESTERLY LINE OF AN EXISTING 10 FOOT WIDE SWALE EASEMENT AS SHOWN ON SAID PLAT; THENCE NORTH 13°25'12" EAST ALONG SAID WESTERLY LINE, A DISTANCE OF 21.31 FEET; THENCE NORTH 18°32'50" WEST CONTINUING ALONG SAID WESTERLY LINE, A DISTANCE OF 59.08 FEET TO A POINT ON THE SOUTHERLY LINE OF AN EXISTING 5.00 FOOT WIDE DRAINAGE EASEMENT AS SHOWN ON SAID PLAT; THENCE NORTH 80°43'31" EAST ALONG SAID SOUTHERLY LINE, A DISTANCE OF 5.07 FEET; THENCE SOUTH 18°32'50" EAST, A DISTANCE OF 59.70 FEET; THENCE SOUTH 13°25'12" WEST, A DISTANCE OF 22.35 FEET TO THE POINT OF BEGINNING.

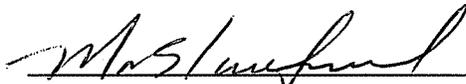
SAID LANDS SITUATE IN SEMINOLE COUNTY, FLORIDA AND CONTAINS 406.12 SQUARE FEET, MORE OR LESS.

SURVEY NOTES

1. BEARING SHOWN HEREON ARE RELATIVE TO RECORD PLAT AND ARE BASED ON THE NORTH LINE OF LOT 28, BEARING SOUTH 80°43'31" EAST.
2. THE LAND DESCRIPTION WAS PREPARED BY THE SURVEYOR FROM INFORMATION PROVIDED BY THE CLIENT.
3. THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
4. THIS SURVEY WAS NOT ABSTRACTED BY THE SURVEYOR AND IS SUBJECT TO ALL RIGHTS OF WAY, EASEMENTS, AND RESERVATIONS OF RECORD.
5. THIS SURVEY IS A SPECIFIC PURPOSE SKETCH AND DESCRIPTION COMPLETED FOR PARCEL DELINEATION PURPOSES ONLY. THIS IS NOT A BOUNDARY SURVEY
6. ABBREVIATION LEGEND: ESMT. = EASEMENT;

SURVEYOR'S CERTIFICATE

THE SPECIFIC PURPOSE SKETCH AND DESCRIPTION SHOWN HEREON WAS PERFORMED IN ACCORDANCE WITH THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS IN CHAPTER 61G17-6 FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027 OF THE FLORIDA STATUTES.



MARK S. CAULFIELD, P.S.M.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA REGISTRATION NO. 4606

7-6-09

DATE:

SHEET 1 OF 2

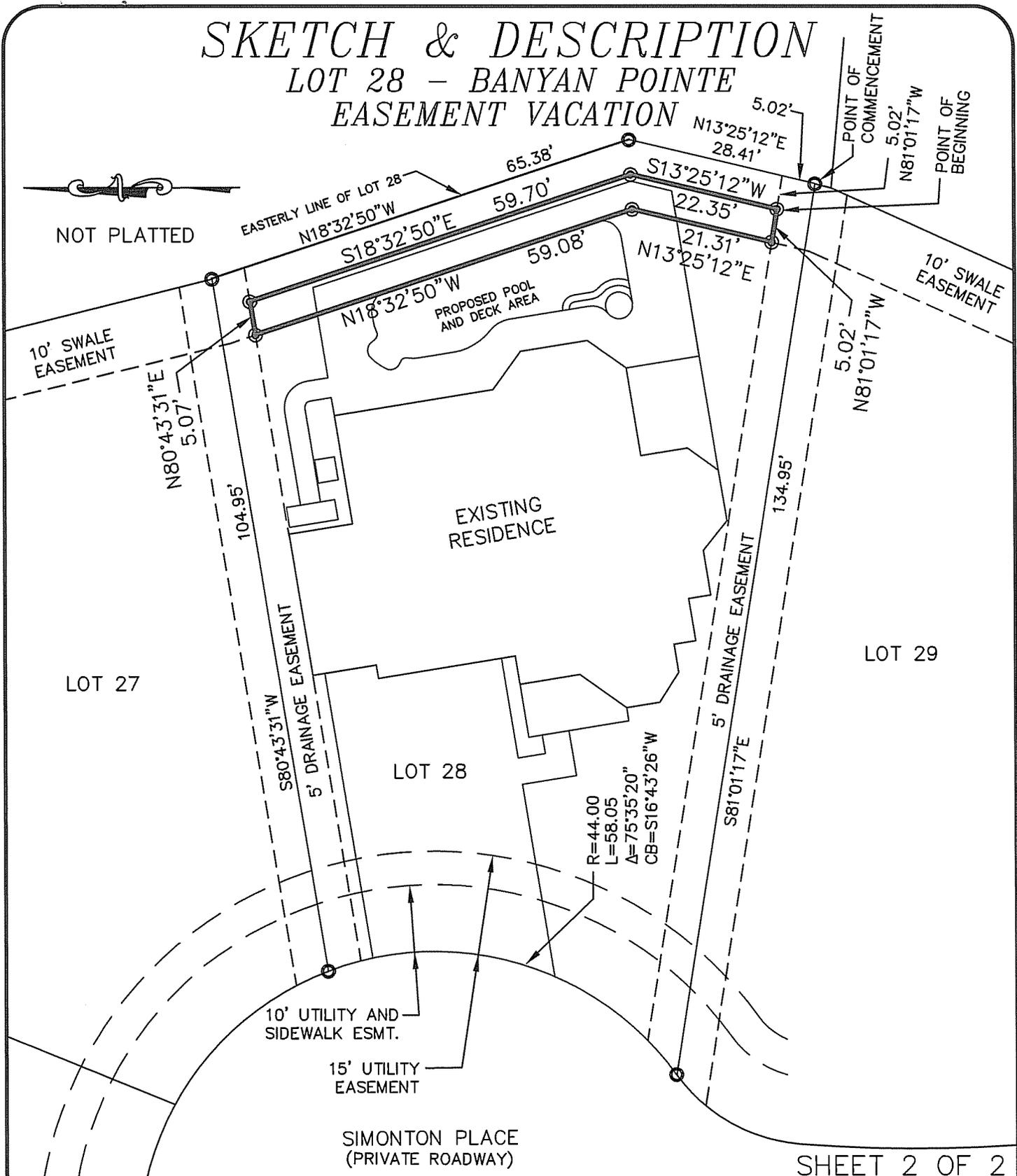
Caulfield & Associates, Inc.
Professional Surveying and Mapping
625 Marion Avenue
Altamonte Springs, FL 32714
Phone: (407) 869-9989
Fax: (407) 869-9337

DATE: JUNE 22, 2009
SCALE: 1 INCH = 20 FEET
PROJECT NUMBER: 09-1059
PROJECT NAME: LOT 28-BANYAN POINTE
DRAWING NAME: 091059ESMT.DWG

SKETCH & DESCRIPTION

LOT 28 - BANYAN POINTE

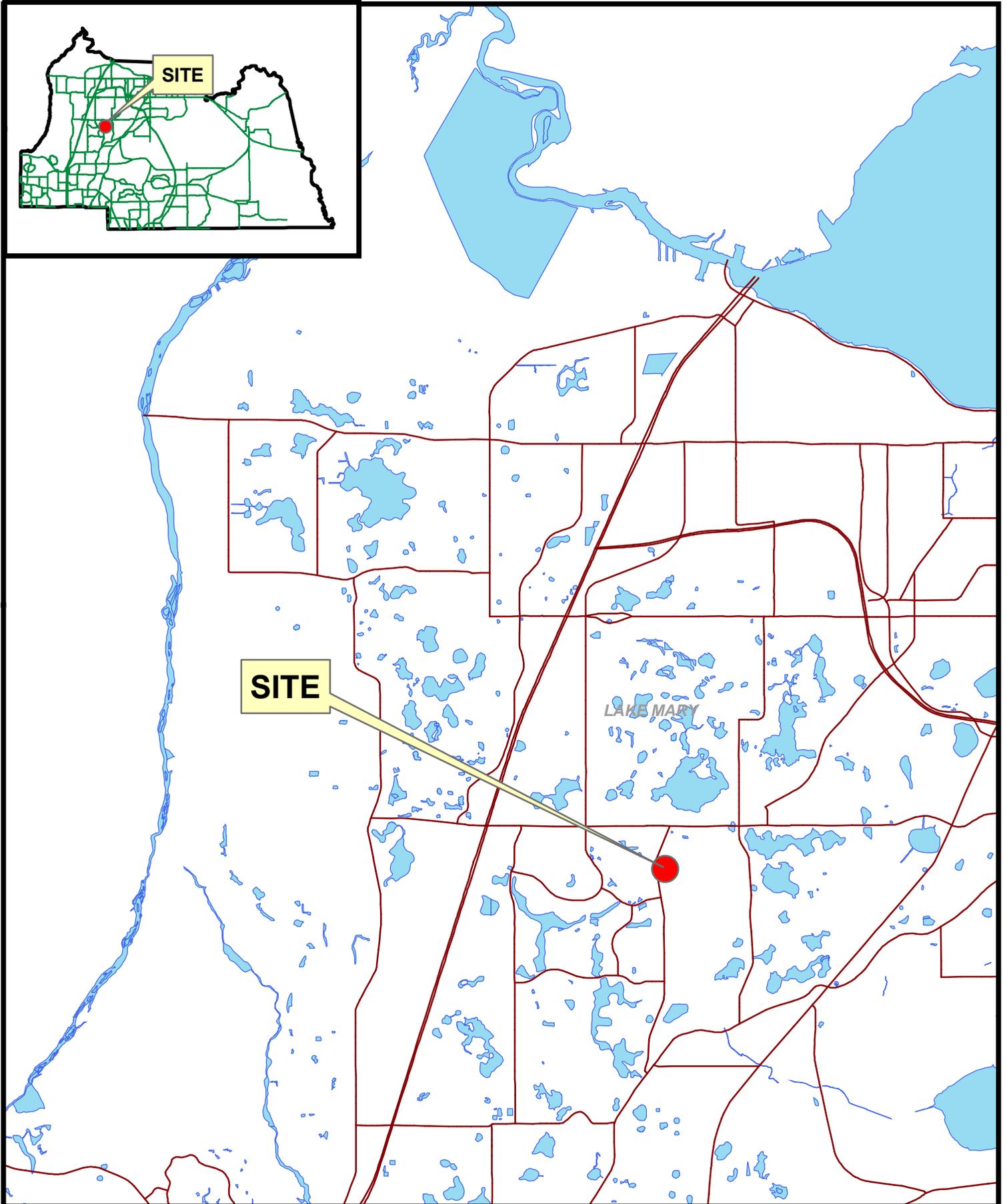
EASEMENT VACATION



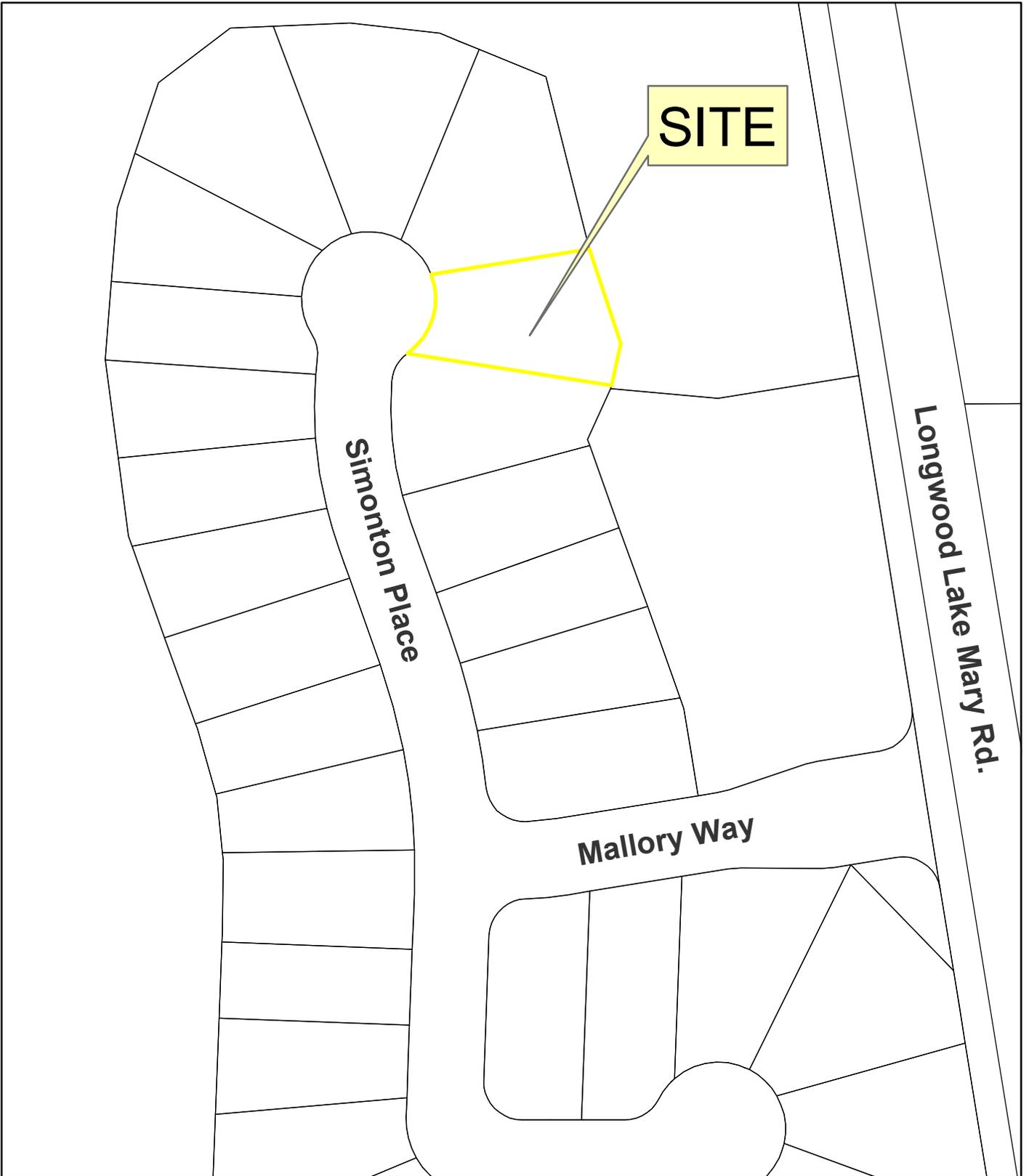
SHEET 2 OF 2

Caulfield & Associates, Inc.
 Professional Surveying and Mapping
 625 Marion Avenue
 Altamonte Springs, FL 32714
 Phone: (407) 869-9989
 Fax: (407) 869-9337

DATE:	JUNE 22, 2009
SCALE:	1 INCH = 20 FEET
PROJECT NUMBER:	09-1059
PROJECT NAME:	LOT 28-BANYAN POINTE
DRAWING NAME:	091059ESMT.DWG



Simonton Place
Area Map



3667 Simonton Place
Location Map
Swale Vacate





3667 Simonton Place
Aerial Map
Swale Vacate

